



In re Application of:

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Examiner: Unknown

Atty. Dkt. No.: 5181-98801

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

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**B. Noël Kivlin**

Name of Registered Agent

1-11-05  
Date

Signature

Sir:

☒ A copy of each reference listed on the Form PTO-1449 is enclosed.

☐ The references listed on the Form PTO-1449 were previously cited in application serial no. \_\_\_\_\_ to which the captioned application is seeking priority under 35 U.S.C. §120; therefore, a copy of each reference is not enclosed.

☐ The captioned application was filed after June 30, 2003; therefore, a copy of each reference is not enclosed.

a. ☐ within 3 months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

☐ within 3 months of the date of entry of the national stage as set forth in § 1.491 in an International application;

☒ before the mailing date of a first Office Action on the merits; or

- ☐ before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- b. ☐ after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus: ☐ the certification of paragraph 2 below is provided, or ☐ a fee of \$180.00 is enclosed.
- c. ☐ after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed.
2. It is hereby certified:
- ☒ that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
- ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three months prior to the filing of the Statement.
3. ☐ Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:
4. For each non-English language reference listed on the attached Form PTO-1449:
- ☐ reference is made to an English language translation submitted herewith, and/or
- ☐ reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
- ☐ reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or
- ☐ reference is made to the concise explanation contained in the specification of the present application at page(s) \_\_\_\_\_, and/or
- ☐ reference is made to the concise explanation set forth below:
5. ☐ Applicant also offers the following comments for the Examiner's consideration:
6. ☒ Also enclosed is a copy of a foreign search report citing these references.

7. ☐ The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.
8. ☐ Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

If any required fees are missing, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5181-98801.

Respectfully submitted,



B. Noël Kivlin  
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Attorney for Applicants

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## U.S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

| EXAM.<br>INITIALS | REF.<br>DES. | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB<br>CLASS | TRANSLATIO<br>YES/NO |
|-------------------|--------------|-----------------|------|---------|-------|--------------|----------------------|
|                   |              |                 |      |         |       |              |                      |
|                   |              |                 |      |         |       |              |                      |
|                   |              |                 |      |         |       |              |                      |

**OTHER ART** (Including Author, Title, Date, Pertinent Pages, Etc.)

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|--|----|------------------------------------------------------------------------------------------|
|  | A4 | International search report application number PCT/US2004/010237 mailed October 25, 2004 |
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|  |    |                                                                                          |

**EXAMINER:**

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.